

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

1. STACIE RENEE THOMPSON,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 21-cv-156-GKF-JFJ
)	
2. WILLIAM EDWARD CLYMER, D.O.,)	
and)	
3. ASSOC HOLDINGS, LLC d/b/a)	
PHOENIX MEDICAL CENTER,)	
)	
Defendants.)	

COMPLAINT

COMES NOW the Plaintiff, Stacie Renee Thompson (hereinafter referred to as “Thompson” or “Plaintiff”), and for her claim against the Defendants, William Edward Clymer, D.O. and Assoc Holdings LLC d/b/a Phoenix Medical Center (hereinafter collectively referred to as “Defendants”) hereby alleges and states as follows:

1. Defendant, William Edward Clymer, D.O., is licensed to practice medicine in the State of Oklahoma.
2. Plaintiff is a resident of the City of Martinsville, County of Morgan, State of Indiana.
3. Defendant, Assoc Holdings, LLC, is a domestic limited liability company registered with the Oklahoma Secretary of State.
4. Defendant, Assoc Holdings, LLC d/b/a Phoenix Medical Center, is a medical clinic located in Pawnee, Oklahoma.

5. All actions given rise to this cause of action occurred within Pawnee County, State of Oklahoma.
6. The court has jurisdiction over this matter pursuant to 28 U.S.C. §1332 because there is diversity between the parties and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.
7. Plaintiff previously filed suit against Defendants, William Edward Clymer, D.O. and Assoc Holdings LLC d/b/a Phoenix Medical Center, on January 3, 2020 in Pawnee County Case No. CJ-2020-01.
8. Plaintiff dismissed Pawnee County Case No. CJ-2020-01 on January 13, 2021 without prejudice.
9. Plaintiff suit herein is proper pursuant to 12 O.S. § 100.
10. Therefore, jurisdiction and venue are proper herein.
11. Beginning on August 21, 2018, Plaintiff presented for treatment by William Edward Clymer, D.O. at Phoenix Medical Center.
12. Specifically, Plaintiff presented to Dr. Clymer for care and treatment of her back pain.
13. Instead of providing treatment for Plaintiff's chronic back pain, Dr. Clymer incorporated sexual contact with Plaintiff as a purported treatment modality and/or took on the role of a psychologist-psychiatrist giving rise to a possible transference phenomenon.

14. Specifically, on more than one occasion, Dr. Clymer groped Plaintiff and made unwanted sexual advances towards her, including kissing without her consent.
15. Plaintiff reported Defendants' conduct to local law enforcement.

CAUSES OF ACTION

NEGLIGENCE

16. Plaintiff hereby realleges and incorporates all of the above allegations as if fully set forth herein.
17. That Defendants provided either assistance in and for the procedures undertaken or personnel for assistance in and for the procedures undertaken on Stacie Renee Thompson, whose care and treatment fell below the applicable standards of care.
18. In treating and counseling the Plaintiff, the Defendants knew or should have know that if they did not properly apply the knowledge and use the skill and care used by reasonably qualified health care professionals with Plaintiff, they could cause Plaintiff significant harm.
19. Defendant breached their duties to the Plaintiff.
20. As a result of the negligence of the Defendants, Stacie Renee Thompson suffered injury and damages.

21. Defendants were negligent in that their agents, employees or servants failed to provide and/or maintain adequate facilities, equipment and/or procedures undertaken on Stacie Renee Thompson.
22. Defendants were negligent in that their agents, employees or servants failed to exercise their responsibility to obtain consent and due care to prevent Plaintiff's permanent injuries.
23. Plaintiff herein is asserting claims for pain and suffering, past and future, mental anguish, past and future, loss of earnings, permanent impairment, the reasonable expenses of the necessary medical care, treatment, and services and all other damages which the Plaintiff is entitled to according to Oklahoma law.

RESPONDEAT SUPERIOR

24. Plaintiff hereby realleges and incorporates all of the above allegations as if fully set forth herein.
25. At all times relevant hereto, Defendant, Assoc Holdings, LLC d/b/a Phoenix Medical Center, was the employer of Defendant, William Edward Clymer, D.O.
26. As a result, Defendant, Assoc Holdings, LLC d/b/a Phoenix Medical Center, is responsible for the tortious actions of Defendant, William Edward Clymer, D.O., including punitive damages.

27. Defendant, Assoc Holdings, LLC d/b/a Phoenix Medical Center, is liable for the tortious actions of Defendant, William Edward Clymer, D.O., under the theory of *respondeat superior*.

NEGLIGENT HIRING AND RETENTION

28. Plaintiff hereby realleges and incorporates all of the above allegations as if fully set forth herein.
29. Defendant, Assoc Holdings, LLC d/b/a Phoenix Medical Center, knew or should have known of Defendant's, William Edward Clymer, D.O., propensities to commit such tortious actions.
30. As a result, Defendant, Assoc Holdings, LLC d/b/a Phoenix Medical Center, is liable for the negligent hiring and retention of Defendant, William Edward Clymer, D.O.

PREMISES LIABILITY

31. Plaintiff hereby realleges and incorporates all of the above allegations as if fully set forth herein.
32. Defendant, Assoc Holdings, LLC, operates a medical clinic called Phoenix Medical Center in Pawnee, Oklahoma.
33. Defendant, Assoc Holdings, LLC, owes a duty of ordinary care to keep its premises in a reasonably safe condition for use of its invitees, such as Stacie Renee Thompson.

34. Defendant, Assoc Holdings, LLC, owed a duty to either remove Defendant, William Edward Clymer, D.O., or to warn Plaintiff, Stacie Renee Thompson, of the hidden danger that Defendant, William Edward Clymer, D.O., presented.
35. On information and belief, Defendant, Assoc Holdings, LLC, had actual or constructive knowledge of the danger that Defendant, William Edward Clymer, D.O., presented.
36. Defendant, Assoc Holdings, LLC, failed to remove Defendant, William Edward Clymer, D.O., and failed to warn Plaintiff, Stacie Renee Thompson, of the danger that he presented.
37. As a direct result of these failures, Plaintiff, Stacie Renee Thompson, suffered, and continues to suffer, mental anguish.
38. Plaintiff, Stacie Renee Thompson, seeks damages as more fully set forth below.

ASSAULT AND BATTERY

39. Plaintiff hereby realleges and incorporates all of the above allegations as if fully set forth herein.
40. Plaintiff, in the alternative, states that Defendant, William Edward Clymer, D.O., acted with intent to make contact with Plaintiff.
41. Plaintiff did not consent to be contacted.

42. Defendant's, William Edward Clymer, D.O., acts resulted in harmful contact to Plaintiff.

43. Plaintiff sustained emotional and mental injuries as a result of Defendant's assault and battery as set forth herein.

DAMAGES

44. As a direct and proximate result of the Defendants' conduct, Plaintiff was injured and has suffered damages in excess of the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code, including her mental pain and suffering, past and future and emotional distress.

45. Further, the acts of the Defendants constituted gross negligence or, in the alternative, willful and wanton conduct, for which the Plaintiff is entitled to recover punitive damages in an amount in excess of Seventy-Five and 00/100 Dollars (\$75,000.00).

WHEREFORE, Plaintiff, Stacie Renee Thompson, prays for damages against the Defendants, William Edward Clymer, D.O. and Assoc Holdings LLC d/b/a Phoenix Medical Center, in excess of Seventy-Five Thousand Dollars (\$75,000.00), costs of this action and for such other and further relief as this Court deems just and proper.

Respectfully submitted,

s/ Kenyatta R. Bethea

Kenyatta R. Bethea, OBA# 18650

HOLLOWAY, BETHEA & OTHERS, PLLC

3035 N.W. 63rd, Suite 102N

Oklahoma City, OK 73116

Telephone: (405) 246-0600

Facsimile: (405) 810-4080

kbethea@hbolaw.com

ATTORNEYS FOR PLAINTIFF

STACIE RENEE THOMPSON

ATTORNEY LIEN CLAIMED!

JURY TRIAL DEMAND!